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Maria McCormack Sobrino
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER
KE, PENG

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte SHENG DONG, QIAOYUN LI, and LING LIU

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Appeal 2008-1047
Application 09/779,046[1]
Technology Center 2100

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Decided: September 16, 2008

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Before JOSEPH L. DIXON, JEAN R. HOMERE, and JAY P. LUCAS,
Administrative Patent Judges.

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL

I. STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's final
rejection of claims 1 through 38. We have jurisdiction under 35 U.S.C.
§ 6(b). We affirm.

_____

Appellants invented a user interface for remotely controlling the operation of electronic devices on a home network. (Spec. 6.) As depicted in Figure 1, the home network includes a home gateway (controller) (100) (e.g., a TV, PC, set top box) coupled to a consumer electronics device (102) (e.g., a VCR, a mini-disk drive) via a 1394 bus (104). (*Id.*) As shown in Figure 2, the controller (100) includes a processor (210), a user interface loader (UIL) (220) and a storage medium (230). Upon receiving from the electronics device (102) a global unique identifier (GUID) or a unit information (UINFO) identifying the device category, its vendor name, and model, the UIL (220) searches the storage medium (230) for the user interface corresponding to the identification information, and loads the user interface for subsequently controlling the device (102). (*Id*. 8.) If the particular user interface associated with the device is not found in the storage medium (230), the UIL (220) uses the GUID information to search for the interface on the vendor's website (250) via the Internet (240). (*Id*. 12.) If the user interface is still not found, the UIL loads a basic operative user interface for controlling the device (102). (*Id.*)

Independent claim 1 further illustrates the invention. It reads as follows:

1. A method comprising:

determining an identification corresponding to a device, wherein the device is coupled to a home network; and

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loading a user interface found at a remote source, wherein the user interface corresponds to the identification of the device and the remote source is coupled to a remote network to provide the user interface to a plurality of different home networks.

The Examiner relies on the following prior art:

Kanevsky	US 6,300,947 B1	Oct. 9, 2001
Humpleman	US 6,603,488 B2	Aug. 5, 2003
Ramachandran	US 6,631,351 B1	Oct. 7, 2003

The Examiner rejects the claims on appeal as follows:

A.   Claims 1, 3 through 6, 9, 10, 29, 31 through 34, 37, and 38 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Humpleman.

B.   Claims 7, 8, 11, 13 through 25, 27, 28, 35, and 36 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over the combination of Humpleman and Kanevsky.

C.   Claims 2 and 30 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over the combination of Humpleman and Ramachandran.

D.   Claims 12 and 26 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over the combination of Humpleman, Kanevsky, and Ramachandran.

FINDINGS OF FACT

The following findings of fact (FF) are supported by a preponderance of the evidence.

Humpleman

1.   Humpleman discloses a human-interface browser for controlling the operation of multiple home devices on a home network. (Abstract.)

2.   As depicted in Figure 1, the home network (100) includes a primary home device (102), which is coupled to a plurality of other home devices (108, 110, 104, 120) via a 1394 serial bus (114). The browser is mounted on the primary device (102) to allow users to command and control all other devices (108, 110, 104, 120) on the home network (100). (Col. 5, l. 66- col. 6, l. 27.)

3.   The browser receives HTML files from the home devices. Each HTML file contains specific control and command information for a respective home device to permit the browser to graphically display a control interface for that device. (Col. 7, ll. 11-24.)

4.   The HTML file for each home device also includes the device name, the device type, the device model, the manufacturer's name and website address. (Col. 9, ll. 34-42.)

5.   As shown in Figure 14, Humpleman discloses another embodiment wherein a user can access devices on the home network (1100) from a remote location (e.g., workplace) via an Internet proxy (1104), which provides an interface between the home network (1100) and the Internet (1102). (Col. 21, ll. 7-16.)

Kanevsky

6.   Kanevsky discloses a method and system for adjusting the size of a requested webpage to match the size of the display screen of the requesting client. (Abstract.)

7.   Along with the webpage request, the client sends to the server a display mode message including the client display/window size (height, width), character format, and memory related information. (Col. 6, ll. 20-27.)

8.   Upon locating the requested webpage, the server converts it in accordance with the specifications provided by the client in order to fit the converted webpage in the client display. (Col. 7, ll. 25-33.)

9.   Alternatively, Kanevsky discloses a URL/CGI model having a search module that compares the client's display requirements with existing display modules. If the search module finds an optimum match, it adjusts the webpage accordingly before transmitting it to the client. However, if it fails to find an optimum match, it locates the closest alternative URL/CGI model and sends it to the adaptation module, which customizes it and transmits it to the client. (Col. 8, l. 44- col. 9, l. 45.)

Ramachandran

10.   Ramachandran discloses a system for allowing talking toys to simulate conversations with one another. (Abstract.)

PRINCIPLES OF LAW

ANTICIPATION

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992). "Anticipation of a patent claim requires a finding that the claim at issue 'reads on' a prior art reference." *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) ("In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.") (internal citations omitted).

OBVIOUSNESS

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

> Section 103 forbids issuance of a patent when 'the differences
> between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in
> the art to which said subject matter pertains.'

KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1734 (2007).

The question of obviousness is resolved on the basis of underlying factual

determinations including (1) the scope and content of the prior art, (2) any

differences between the claimed subject matter and the prior art, (3) the level

of skill in the art, and (4) wherein evidence, so-called secondary

considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). *See*

also KSR, 127 S. Ct. at 1734 ("While the sequence of these questions might

be reordered in any particular case, the [*Graham*] factors continue to define

the inquiry that controls.")

    "The combination of familiar elements according to known methods

is likely to be obvious when it does no more than yield predictable results."

Leapfrog Enter., Inc. v. Fisher-Price, Inc., 485 F.3d 1157, 1161 (Fed. Cir.

2007) (quoting *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739-40 (2007)).

"One of the ways in which a patent's subject matter can be proved obvious is

by noting that there existed at the time of invention a known problem for

which there was an obvious solution encompassed by the patent's claims."

KSR, 127 S. Ct. at 1742.

The reasoning given as support for the conclusion of obviousness can be based on interrelated teachings of multiple patents, the effects of demands known to the design community or present in the marketplace, and the background knowledge possessed by a person having ordinary skill in the art. *KSR*, 127 S. Ct. at 1740-41. *See also Dystar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1368 (Fed. Cir. 2007).

<div align="center">ANALYSIS</div>
<div align="center">35 U.S.C. § 102</div>
<div align="center">Claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38</div>

Independent claim 1 recites in relevant part loading a user interface corresponding to an identified device found at a remote source coupled to a remote network to provide the user interface to a plurality of different home networks. (Claims Appendix.)

Appellants argue that Humpleman does not teach these limitations. (App. Br. 3-4.) Particularly, Appellants argue that Humpleman discloses remotely controlling a home device on a home network through an Internet proxy, which is attached to the home network. However, Appellants argue that since the Internet proxy is part of the home network, it is not a remote source where the home device interface was found and loaded to provide an interface to different home networks, as recited in claim 1. (App. Br. 4.)

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In response, the Examiner avers that Humpleman teaches the claimed limitations. Particularly, the Examiner finds that Humpleman's disclosure of accessing the home network via the Internet to load the home device interface from a remote location teaches the claimed limitations. (Ans. 10-11.) Therefore, the Examiner concludes that Humpleman anticipates claim 1. (*Id.*)

Thus, the pivotal issue before us is whether Humpleman's disclosure of remotely accessing a home network to load a home device interface via the Internet teaches loading a home device interface found at a remote source coupled to a remote network to provide the interface to different home networks, as recited in independent claim 1. We answer this inquiry in the affirmative.

As set forth in the Findings of Fact section, Humpleman discloses loading a human interface corresponding to a home device on a home network. (FF. 1-3.) Alternatively, Humpleman discloses that the home network is connected to the Internet via an Internet proxy to allow a user to remotely load the home device interface. (FF. 5.) We find that Humpleman's disclosure of loading of the home device interface from a remote location (e.g. work) reasonably teaches loading the claimed home device interface found at a remote source. From the standpoint of this particular user, the home device interface is located remotely from his/her workplace. Thus, when the user loads the desired interface from work, he/she is accessing an interface found at a source remote from his/her

current location. Further, we find that Humpleman's disclosure of using the Internet to remotely load the home device interface reasonably teaches a remote source connected to a remote network to provide the interface to a different home networks. By definition, the Internet comprises a plurality of different networks including various home networks that communicate with one another. Therefore, upon accessing the home network from a remote workplace via the Internet to load the home device interface, the user is loading the interface at a remote source coupled to the Internet to provide the interface to different home networks. It follows that Appellants have not shown that the Examiner erred in finding that Humpleman anticipates claim 1.

Appellants did not provide separate arguments with respect to the rejection of claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38. Therefore, we select independent claim 1 as being representative of the cited claims. Consequently, claims 3-6, 9, 10, 29, 31-34, 37, and 38 fall together with representative claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

<center>35 U.S.C. § 103</center>
<center>Claims 7, 8, 11, 13 through 25, 27, 28, 35, and 36</center>

Independent claim 11 recites in relevant part loading a basic operative user interface for a device if the particular user interface for the device is not found. (Claims Appendix.)

<center>10</center>

Appellants argue that the combination of Humpleman and Kanevsky does not teach the cited limitations. (App. Br. 5.) Particularly, Appellants argue the combination of Humpleman and Kanevsky would replace an original user device interface with another specific interface reformatted to fit the user's display. The replacement interface device is a specific device, whereas the claimed basic operative interface is a generic device intended for devices of the same type. (*Id.*) Therefore, Appellants submit that the cited combination does not render these claims unpatentable. (*Id.*) We do not agree.

As set forth in the Findings of Facts section, Humpleman discloses loading a user interface corresponding to an identified home device. (FF. 1-3.) Further, Kanevsky discloses a search module that compares the client's display requirements with existing display modules. If the search module finds an optimum match, it modifies the webpage accordingly, and transmits it to the client. However, if it does not find the optimum match, it locates the closest alternative URL/CGI model and sends it to the adaptation module, which customizes it and transmits it to the client. (FF. 9.) One of ordinary skill would have readily recognized that the combined teachings of Humpleman and Kanevsky are prior art elements that perform their ordinary functions to predictably result in a home network that selects from its list of available interfaces one that most closely matches the display interface of particular device. Therefore, by default and if included in the list of interfaces, the search module would have selected the generic interface

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display as the best interface match for the home device upon failing to find better matches therefrom. It follows that Appellants have not shown that the Examiner erred in concluding that the combination that the combination of Humpleman and Kanevsky renders independent claim 11 unpatentable.

Appellants did not provide separate arguments with respect to the rejection of claims 7, 8, 11, 13 through 25, 27, 28, 35, and 36. Therefore, we select independent claim 11 as being representative of the cited claims. Consequently, claims 7, 8, 13 through 25, 27, 28, 35, and 36 fall together with representative claim 11. 37 C.F.R. § 41.37(c)(1)(vii).

<center>Claims 2 and 30</center>

Appellants argue that claim 2 recites the limitations of claim 1, and Ramachandran does not remedy the deficiencies of Humpleman, as argued above. Therefore, Appellants submit that the combination of Humpleman and Ramachandran does not render claims 2 and 30 unpatentable. (App. Br. 5-6.) As discussed above, we have found no such deficiencies in the Humpleman reference for Ramachandran to cure. Further, Appellants argue that the cited combination does not teach that the identification is selected from a group of a global unique identification (GUID) or a unit information (UINFO) identifying its category, vendor name, and the device model, as recited in claims 2 and 30. (*Id.*) We do not agree. As set forth in the Findings of Facts section, Humpleman discloses that each secondary home device added to the home network communicates its name, type, model, manufacturer's name and website address to the primary home device. (FF.

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2-4.) It follows that Appellants have not shown that the Examiner erred in concluding that the combination of Humpleman and Ramachandran renders claims 2 and 30 unpatentable.

<div align="center">Claims 12 and 26</div>

Appellants reiterate substantially the same arguments raised above for claims 2 and 30. (App. Br. 6-7.) We have already addressed these arguments in the discussion of claims 2 and 30, and we do not agree with Appellants. It follows for the reasons set forth above that Appellants have not shown that the Examiner erred in concluding that the combination Humpelman, Kanevsky and Ramachandran renders claims 12 and 26 unpatentable.

<div align="center">SUMMARY</div>

A.   Appellants have not shown that the Examiner erred in finding that Humpleman anticipates claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 under 35 U.S.C. § 102 (e).

B.   Appellants have not shown that the Examiner erred in concluding that:

  1.   The combination of Humpleman and Kanevsky renders claims 7, 8, 11, 13 through 25, 27, 28, 35, and 36 unpatentable under 35 U.S.C. § 103 (a).

  2.   The combination of Humpleman and Ramachandran, renders claims 2 and 30 unpatentable under 35 U.S.C. § 103 (a).

3.   The combination of Humpleman, Kanevsky and Ramachandran renders claims 12 and 26 unpatentable under 35 U.S.C. § 103 (a).

DECISION

We affirm the Examiner's decision rejecting claims 1 through 38.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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Maria McCormack Sobrino
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles CA 90025